



San Diego County Water Authority
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June 26, 2008

Via Electronic Mail & Facsimile

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- Yuma Municipal Water District

Tam Doduc, Chair and Members
State Water Resources Control Board
1001 I Street, 24th Floor
Sacramento, CA 95814

Attn: Jeanine Townsend, Clerk to the Board
(commentletters@waterboards.ca.gov)

RE: Comment Letter – Landscape Irrigation General Permit

Dear Chair Doduc and Members of the Board:

The San Diego County Water Authority (Water Authority) appreciates the opportunity to submit these comments in response to the Board's scoping request under the California Environmental Quality Act (CEQA). Recycled water is a critical resource needed to meet California's demand for water. It is a key element of developing a diversified water supply portfolio in the Water Authority's service area. Currently the Water Authority's member agencies recycle approximately 20,000 acre-ft per year of water. That number is anticipated to increase to over 40,000 acre-ft per year by 2015. The State Board should take the critical need for this water resource into consideration as they consider adoption of a statewide General Permit for Landscape Irrigation.

Our comments are offered to assist the Water Board in its CEQA process to appropriately scope the project, identifying alternatives to the project and analyzing the significance of the impacts of both the project and its alternatives.

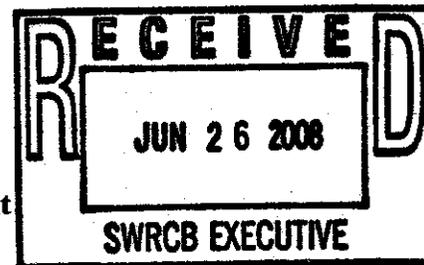
Coordination with Existing Permits

Many recycled water projects currently operate safely under existing master and user permits. The general permit should not apply to currently permitted recycled water uses, unless specifically requested by the existing permit holders.

Landscape Irrigation

The definition of landscape in the general permit should be consistent with the definition of landscape irrigation under both the Department of Water Resources proposed model landscape ordinance and the Title 22 approved uses of recycled water for irrigation using tertiary treated water. Under Title 22 the following uses of disinfected tertiary recycled water for irrigation are allowed:

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- (1) Food crops, including all edible root crops, where the recycled water comes into contact with the edible portion of the crop,
- (2) Parks and playgrounds,
- (3) School yards,
- (4) Residential landscaping,
- (5) Commercial landscaping
- (6) Cemeteries,
- (7) Freeway and roadway medians
- (8) Unrestricted access golf courses, and
- (9) Any other irrigation use not specified in this section and not prohibited by other sections of the California Code of Regulations.

Benefits of Recycled Water Use

It is important for the Water Board to consider all the benefits of recycled water use in the CEQA document and when applying those benefits associated with recycled water use to the Water Board's Resolution No. 68-16 (Anti-Degradation Policy) which "assures that...the highest water quality consistent with maximum benefit to the people of the State will be maintained". We concur with the recommendations provided by WateReuse of this issue.

Scope of CEQA Analysis

The CEQA analysis should be limited to public health and water quality impacts, which the Water Authority believes can be demonstrated to be less than significant. The CEQA document should recognize that impacts associated with specific recycled water projects will be addressed in a separate CEQA process.

With respect to the protection of public health:

- The Water Board should properly respect the California Department of Public Health (CDPH) and its Water Recycling Criteria to define the treatment and use requirements necessary to protect public health. Under CEQA, the Water Board may rely upon the public health-based science and analysis used by CDPH in adopting the regulatory requirements of Title 22. There is no need for the permit to conflict with or regulate beyond the requirements of Title 22. The Water Board's findings should articulate that Title 22 addresses what CDPH, considers significant in permitting landscape irrigation projects and no other mitigation is necessary. Accordingly, the project does not need to address conventional or emerging contaminants.
- Further, the CEQA document should not focus on the use of improperly treated, managed, and/or regulated recycled water as was done in the scoping document. Such use is outside the scope of the project and would not be allowed under the General Permit.

With respect to the protection of water quality:

- The Water Board should recognize that the use area requirements and management practices in Title 22 provide protection for not only public health, but will also protect water quality. In addition, the application of Best
- Management Practices (BMPs), such as irrigation at agronomic rates, notification of users regarding nutrients in the water, and site supervisor training, site inspections, etc., adequately protect both surface and groundwater from anything but the most incidental contact with recycled water and render the impacts of such contact less than significant.
- The Water Board should recognize that recycled water used for urban irrigation is "irrigation water" and should utilize the existing MS4 program to assure compliance with the Clean Water Act. There is no need for a separate NPDES permit for recycled water irrigation. The Water Board has discretion in issuing NPDES permits and their requirements.
- Finally in making findings with respect to the Anti-Degradation Policy, the Water Board should find that the combination of Title 22 required treatment and irrigation use area and management practices along with relevant BMPs that are selected based on input from the recycled water community, effectively constitute "best practicable treatment and control" and the "pollution and nuisance" will not occur.

Alternatives to Project

Under CEQA, the Water Board must evaluate a "No Project Alternative", which would be defined as no General Permit for Landscape Irrigation and no encouragement of recycled water use. The Water Board must consider the environmental impacts of no increase in recycled water use. These should include:

- The impacts of continued reliance on the fragile Sacramento-San Joaquin River Delta, the overtaxed Colorado River.
- The impacts of continued reliance on increasingly stressed local groundwater basins including the potential for increased seawater intrusion.
- The impacts of attempting to meet water demands of rapidly growing population with existing water supplies.
- The impacts of developing other water supplies in lieu of recycled water including brackish groundwater and seawater desalination.
- The impacts of continued and increasing discharges to surface water.
- The economic and social impacts of not meeting the water demands of the state.
- The energy and greenhouse gas emission consequences of continuing to rely on the existing imported water system throughout the state.

If the current environment of regulatory uncertainty continues, recycled water use could actually be reduced in future; the CEQA document would need to analyze the

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associated impacts of the loss of this water supply. Continued overly stringent regulatory requirements and application of the "one molecule rule" in the case of incidental runoff and groundwater recharge may actually cause local purveyors to turn off projects that are essential to California's water future because these requirements render projects too difficult and expensive to operate.

Consultation with Stakeholders

At the June 18, 2008, Workshop and Scoping Meeting for the General Permit, as part of the Water Board staff presentation, other issues were raised that are being considered in the development of the permit. These issues included:

- Eligibility criteria;
- Recycled water benefits and concerns (pathogenic organisms, salinity, "emerging contaminants," unauthorized discharges of recycled water, application of the Anti-degradation Policy);
- Agency and stakeholder coordination;
- Existing recycled water use permits; and
- Fee schedule.

These issues are complex and are deserving of significant deliberation. To effectively resolve these issues, the Water Board needs to consult with recycled water producers and users as well as other stakeholders during the development of the permit rather than limiting input to the current scoping process. The best way to understand how these issues can be resolved and appropriately facilitate recycled water use is to talk to the people who do it – the producers and users.

Please inform us if we can be of help to your staff in that endeavor. Thank you again for the opportunity to provide comments on these key areas of concern. If you have any questions regarding this letter, please contact Toby Roy, Water Resources Manager, at (858) 522-6743.

Sincerely,



Ken Weinberg
Director of Water Resources